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SUBJECT: TURKISH LAWS REGARDING CARGO HANDLING

Ref: State 55415

1. The Turkish Customs Undersecretariat provided information in response to questions on cargo handling posed in ref tel. The following is an informal Embassy translation of Customs' written response.

2. Begin Embassy Translation of Customs U/S Note:

Shipping/Cargo Manifests:

Cargo manifests are required in connection with the shipment of goods on board while ships, trains, and aircraft are departing the country, and entering the country. The vehicles, which are subject to cargo manifests, should be inspected by the Turkish Customs authorities according to the law.

Those vessels transiting Turkey's territorial sea should proceed directly towards their target destination without stopping and being in connection with other ships. These ships cannot be stopped unless emergencies or "force-majeure" conditions. These ships - if they have to stop - can only stop at a port where a customs authority is located. Transit ships are governed under the Montreux Agreement and according to the "Most-Favored-Nation" rule cannot be subject to an inspection. Transits are watched from outside.

Otherwise, loads of vessels and all related documents are inspected. If required, the goods in port warehouses can be sealed.

Turkey takes all the precautions, and inspects during loading and unloading process from vessels or aircraft. Turkish authorities are fully in control to prevent any illegal loading activity for goods and passengers of transits.

Unless there is a suspicious situation or a warning exists, those vessels entering into the Straits are inspected at their destination port. If a formal request is received from the warning side, owner and/or agent of the vessel, for the inspection to be made before arrival at the destination, then the request is evaluated by the related Coast Guard. The action is performed if the request is found suitable. The Guard detects any unusual situation and/or a suspected violation, and an official report is prepared.

Turkey's law does not permit officials from another country, even with the consent of Turkey, to detain individuals on vessels operating under Turkey's flag in country's territorial sea.

Customs authorities at the airports are in charge of the inspection of incoming and outgoing carriers.

The following rules should be met, for all carriers traveling to and from Turkey:

- A) All vehicles should enter into and depart from Turkey from the Customs gates.
- B) All air carriers should land on and take off from an airport where a customs authority exists.
- C) Any vessel entering into Turkish sea territory cannot

change its original route unless an extraordinary situation, or a "force-majeure" condition exists.

At least 3 hours before vessels' arrival to and departure from Turkish ports, the owner or the agent should inform Turkish Customs Administration.

The information should include all call cargo details; i.e. number of passengers, size of cargo, arrival/departure time, taxi period, arrival port. Unless this information is received, the Customs authority does not permit the vessel to taxi or depart. Vessels can leave the port after Customs officials complete the inspection.

The vessel can be searched under a warning or a violation is detected. The inspection is registered by an official documentation.

If the vessel stops at more than one port within Turkish territory, all passengers and cargo are subject to Customs control at all these ports. Captains of the ships arriving to the port or departing the port must fill in the questionnaire provided in the Customs Regulation Annex 8 and must submit the questionnaire to the customs authority of the port. In the case where the final point of arrival is not a Turkish port or airport, ships or aircraft transiting Turkish territorial waters or air space, or goods brought to Turkish Customs Region, except the ones loaded in aircraft, must be handled in accordance with the procedures and essentials identified by the Undersecretariat as follows:

- A) They must be taken to a determined customs office or a place found appropriate by the customs office,
- B) They must be taken directly to a free zone via sea or air or via highway without passing through a Turkish Customs Region.

The person, who brought the goods to the Turkish Customs Region, or the person, who assumes the transfer of the goods after arrival, must submit the goods to customs by bringing them to the customs office or to the place determined by the customs office in accordance with the procedures and essentials identified by the Undersecretariat.

Customs is notified that the goods, which entered into the Turkish Customs Region, are brought to customs office or to a place determined or found suitable by the customs office. This process is called "submission to customs".

After submission to customs, general information related to the vehicle and the goods submitted to the customs are declared in accordance with the form in Customs Regulation Annex 9, this is called "summary declaration". The original manifest or main consignment must be attached to the summary declaration.

A summary declaration is submitted to the related customs office by the close of business of the day following submission of the goods customs. It is also possible that the summary declaration is registered to the customs office before the vehicle arrives in the Turkish Customs Region. In this case, the approval procedures for the summary declaration, where the vehicle is registered before its arrival to customs area, are not performed.

Instead of the summary declaration, in the case a document such as original manifest, consignment, CMR, CIM, CIV, TIR card or Free Zone Operation Form is submitted by the carrier or representative, that document is also accepted as a summary declaration. However, in the offices where the customs operations are computerized, the carrier or the representative must register the summary declaration by using the software system, without the obligation to take hard copies.

The goods brought to Turkish Customs Region are unloaded under the control of customs. An unloading list is prepared by sea, land and air vehicle owners, or captain, pilot, driver or authorized personnel of the agency and temporary storage place administrative officials within 24 hours after unloading of the goods, and it is signed by

the customs official and vehicle owner, driver or representative and the temporary storage place official.

The kind of goods and their gross weight, number, kind, brand and number of containers, name of the vehicle and trip number are indicated in the unloading list.

The summary declaration or information presented in commercial or official documents used as summary document and submitted to the customs by the owners of the vehicles, captains or agencies, is compared with the unloading list prepared during the unloading process. If a discrepancy is seen, it is noted on the summary declaration or documents used as summary declaration, and an official report is prepared related to the situation which will lead to investigation of absence/excess in summary declaration.

The goods, which are listed in the summary declaration but not in the unloading list, are considered a mistake in the summary declaration. The goods, which are listed in the unloading list but not in the summary declaration, are considered an over-declaration.

Goods Departing Turkish Customs Region

The goods departing Turkish Customs Region are subject to the controls made by customs offices according to the legislation, and are deported under customs control according to the methods set previously.

Before the vehicle sets off, the carrier or representatives submit summary declaration related to the goods departing Turkish Customs Region to the customs office.

However, for the exports made via sea, summary declaration may be submitted by the close of business of the day after the ship departs. In this case, summary declaration, statement and transportation bill are compared and, if found appropriate, the summary declaration and statement are closed. In case of a discrepancy between statement and transportation bills, a fixed fine is charged for the cases other than discrepancies in type, variety, quality, quantity and value of the goods, and for differences not exceeding 5 percent surplus in the tax accrual resulting from type, variety and quality.
END INFORMAL EMBASSY TRANSLATION.
EDELMAN